

1914

## c 145 Trade Disputes Act

Ontario

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## CHAPTER 145.

An Act respecting Councils of Conciliation and of Arbitration for settling Industrial Disputes.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Trade Disputes Act*. Short title.  
10 Edw. VII. c. 74, s. 1.

2. In this Act,

Interpretation.

(a) "Employer" shall mean and include any person "Employer." or body of persons, incorporated or unincorporated, employing not less than ten workmen in the business in which the trade dispute has arisen;

(b) "Employees" shall mean and include a person or "Employees." persons in the employment of an employer.  
10 Edw. VII. c. 74, s. 2.

3.—(1) A claim or dispute under this Act shall include Claims and disputes within the Act. any disagreement between an employer and his employees in respect of—

(a) the price to be paid for work done, or in course of being done, whether such disagreement shall have arisen with respect to wages, or to the hours or times of working;

(b) damage alleged to have been done to work, delay in finishing the same, not finishing the same in a good and workmanlike manner or according to agreement;

(c) materials supplied to employees and alleged to be bad, or unfit, or unsuitable;

(d) the price to be paid for mining any mineral or substance mined, or obtained by mining, hewing, quarrying or other process; or the allowances, if any, to be made for bands, refuse, faults or other causes whereby the mining of the mineral substance is impeded;

(e) the performance or non-performance of any stipulation or matter alleged to have been in an agreement, whether in writing or not;

- (f) insufficient or unwholesome food supplied to employees where there is an agreement to victual them, or to supply them with provisions or stores of any kind;
- (g) ill-ventilated or dangerous workings or places in mines, or unwholesome or insanitary rooms or other places of accommodation in which work is being performed, or want of necessary conveniences in connection with such rooms or places;
- (h) the dismissal or employment under agreement of employees; or,
- (i) the dismissal of employees for their connection with any trade or labour organization.

Minimum number of employees affected.

(2) No claim or dispute shall be the subject of conciliation or arbitration in any case in which the employees affected by such claim or dispute are fewer in number than ten. 10 Edw. VII. c. 74, s. 3.

Office of Registrar.

4.—(1) The Lieutenant-Governor in Council may appoint a Registrar of Councils of Conciliation and of Arbitration for the settlement of industrial disputes.

To whom to be at first assigned.

(2) Such office shall be assigned to some person performing other duties in the public service, unless and until the duties are so onerous as to require a separate appointment.

Duties, etc., of Registrar.

(3) It shall be the duty of the Registrar to receive and register and, subject to the provisions of this Act, to deal with all applications by employers or employees for reference to a Council of Conciliation or to the Council of Arbitration of any claim or dispute within the meaning of this Act; to convene such councils for the purpose of dealing with any claim or dispute, to keep a register in which shall be entered the particulars of all references and settlements of claims and disputes made to and by a Council of Conciliation, and of all references and awards made to and by the Council of Arbitration; and generally to do all such things and take all such proceedings as may be required in the performance of his duties under this Act or the regulations made in pursuance thereof.

Registrar to summon witnesses and issue notices.

(4) The Registrar shall issue all summonses, Form 15, to witnesses to attend to give evidence, with or without the production of papers and documents, and shall issue all notices and perform all other acts in connection with the sittings of each such Council in the prescribed manner.

Registrar to proceed to locality where strike or lock-out threatened.

(5) If any difference shall arise between any employer and his employees likely to result or resulting in a strike on the part of such employees, or a lockout on the part of the employer, it shall be the duty of the Registrar, when requested in writing to do so by five or more of the employees, or by the

employer, or by the head of the municipality in which the industry is situated, to visit the place of such disturbance and diligently seek to mediate between the employer and employees.

(6) It shall be the duty of the Registrar to promote conditions favourable to a settlement by endeavouring to allay distrust, to remove causes of friction, to promote good feeling, to restore confidence, and to encourage the parties to come together and themselves effect a settlement, and also to promote agreements between employers and employees with a view to the submission of differences to conciliation or arbitration before resorting to a strike or lock-out. 10 Edw. VII. c. 74, s. 4. Duty of Registrar in adjusting disputes.

#### COUNCIL OF CONCILIATION.

5.—(1) A Council of Conciliation for the purpose of any dispute or claim shall consist of four conciliators, two to be nominated by each of the parties to the dispute. Councils of conciliation.

(2) The nomination shall be by writing lodged with the Registrar. Nomination of conciliators.

(3) Either party may lodge the nomination papers with the Registrar at any time after the dispute has arisen; and if the Registrar has not already received a nomination of two conciliators on behalf of the other party he shall give notice to such other party of the nomination which he has received. Filing nomination papers.

(4) Any vacancy in a Council of Conciliation arising through the death, resignation, or otherwise of any member thereof shall be filled in the same way as the appointment was first made, namely, on the nomination of the party whose conciliator has ceased to be a member of the Council. 10 Edw. VII. c. 74, s. 5. Vacancies.

#### PROCEDURE FOR CONCILIATION.

6. A claim or dispute within the meaning of this Act may be referred for settlement to a Council of Conciliation where— Reference to council of conciliation.

- (a) the parties to the claim or dispute jointly agree in the prescribed manner, Form 2, to refer such claim or dispute for settlement to a Council of Conciliation, or, Agreement to refer.
- (b) either party to the claim or dispute, in the prescribed manner, lodges an application, Form 3, with the Registrar requesting that the claim or dispute be referred for settlement to a Council of Conciliation. 10 Edw. VII. c. 74, s. 6. Application for reference.

7. The Registrar, on receipt of any such agreement or application for a reference to a Council of Conciliation, shall forthwith lay the same before the Council; and, subject to the Duties of Registrar on application for reference.



provisions of this Act and the regulations, shall carry out all directions of the said Council given in the endeavour of the Council to effect a settlement of the claim or dispute. 10 Edw. VII. c. 74, s. 7.

Representatives before council of conciliation.

8. Either party to the claim or dispute may, for the purposes of this Act, be represented by one or more persons, not exceeding three, authorized by such party as managers in that behalf; and such party shall be bound by the acts of such managers. 10 Edw. VII. c. 74, s. 8.

When managers must have written authority.

9. Where the party numbers fewer than twenty the managers must be authorized in writing, Form 4, signed by the members of the party to act for and on their behalf. 10 Edw. VII. c. 74, s. 9.

Election of managers as representatives.

10.—(1) Where the party numbers twenty or more the managers may be appointed or elected in such manner as the members of the party think proper.

Record of election.

(2) A copy of the resolution electing the managers, together with a declaration by the chairman or president of the meeting stating it to have been carried, shall be kept as a record of the election. 10 Edw. VII. c. 74, s. 10.

Written statement of case.

11.—(1) The parties to the claim or dispute shall, if possible, agree to a joint written statement of their case; but if they do not so agree a statement in writing from each party shall be made.

To be forwarded to Registrar.

(2) The statement or statements shall be forwarded to the Registrar before the meeting of the Council. 10 Edw. VII. c. 74, s. 11.

Convening meeting of conciliators.

12. When the parties to a claim or dispute have named their conciliators the Registrar shall by notice in writing, Form 5, convene a meeting of the conciliators at a time and place mentioned in the notice, the same being selected with due regard to the general convenience of the conciliators and the parties. 10 Edw. VII. c. 74, s. 12.

Report of council.

13.—(1) The Council shall transmit to the Registrar a report, Forms 6 and 7, setting forth the result of the reference.

When council report their failure to bring about settlement.

(2) In case such report is to the effect that the Council has failed to bring about any settlement or adjustment of the claim or dispute the Registrar, on the receipt of the report, shall transmit a certified copy to each party to the claim or dispute; whereupon either party may, by notice in writing, Forms 8 and 9, require the Registrar to refer the claim or dispute to the Council of Arbitration for settlement, Form 10. 10 Edw. VII. c. 74, s. 13.

## THE COUNCILS OF ARBITRATION.

14.—(1) There shall be two Councils of Arbitration, Establishment of council of arbitration.

(a) A Council of Arbitration for the settlement by award in respect of claims and disputes between railway companies, including street railway companies, and wage earners employed in respect of railway construction or traffic on railways; and

(b) A Council of Arbitration in respect of other claims and disputes.

(2) Each Council shall consist of three members, one to be appointed by the Lieutenant-Governor on the recommendation of the employees, and one to be appointed by him on the recommendation of the employer. Each council to consist of three members.

(3) The third member of each Council shall be the president of the Council and shall be appointed in manner following, namely: The two members appointed shall within twenty-one days after their appointment submit, Form 1, to the Lieutenant-Governor the name of some impartial person to be appointed by him to the position of President. Appointment of president by agreement.

(4) In case of the said two members failing so to do the Lieutenant-Governor may appoint as President an impartial person not personally connected with or interested in any trade or industry, or in the judgment of the Lieutenant-Governor likely, by reason of his former occupation, business vocation or other influence, to be biased in favour of or against employers or employees. Appointment of president on failure to agree.

(5) The same person may be President of both Councils. One for both.

(6) As soon as practicable after a full Council has been appointed by the Lieutenant-Governor notice of the appointment and the names of the members of the Council shall be published by the Registrar in the *Ontario Gazette*. Council to be gazetted.

(7) The Lieutenant-Governor may cancel the appointment of any member on the recommendation of the authority by which his appointment was recommended. Cancellation of appointment.

(8) The term of office of a member shall be two years; and at the end of every term of two years a fresh appointment of members shall be made in manner aforesaid. Term of office.

(9) Every member after the expiry or other termination of his term of office shall be eligible for reappointment for a like term. Members eligible for re-appointment.

(10) If the President of a Council shall be declared a bankrupt or insolvent, or shall make a composition with his creditors, or shall make an assignment of his property or salary for the benefit of his creditors, or if any member of either Council shall be convicted of any criminal offence, such When president or members to forfeit office.

President or member respectively shall thereby vacate his office of member.

Vacancies,  
disabilities,  
etc.

(11) Any vacancy in a Council arising from death, resignation or other cause shall be filled by the Lieutenant-Governor for the term of office, or the residue of such term, as the case may be, in accordance with the respective methods prescribed by this Act.

Temporary  
appointment  
of president.

(12) In case the President of a Council is unable to act as such from illness, absence from the Province, or other temporary cause the Lieutenant-Governor may appoint a person to be acting President of the Council in his place; and such acting President shall have all the powers and perform all the duties conferred by this Act upon the President.

Illness or  
disability of  
member of  
council while  
reference  
pending.

(13) If any member of a Council, other than the President, is, from illness or from any other disability howsoever arising, unable to perform the duties of his office in respect to any claim or dispute then pending the parties thereto may consent, in writing under their respective hands, to the appointment by the Lieutenant-Governor of a member named in such writing to act for and in the place of the member during such disability; and if either of the parties refuse such consent the Judge of the County or District Court of the county or district in which the matter is situate with respect to which the claim or dispute has arisen may, on notice to the parties of the application to him, make the nomination; and the Lieutenant-Governor may appoint the person so nominated, who shall thereupon be deemed a member of such Council for all the purposes relating to such claim or dispute and to the hearing and determination thereof.

Members of  
council of  
conciliation  
may sit as  
assessors.

Proviso.

(14) Where a dispute has been referred to either Council of Arbitration the members of the Council of Conciliation may, with the consent in writing, Form 13, of both parties to the claim or dispute, sit as assessors upon the reference to the Council of Arbitration; but no such assessor shall take any part in the reference except as an assessor sitting to inform the Council of Arbitration when called upon to do so.

Remuneration  
of members  
of councils.

(15) The members of each Council of Arbitration shall be remunerated for their services in such manner and according to such rate of payment as the Lieutenant-Governor in Council shall appoint, but subject to legislative provision being made therefor. 10 Edw. VII. c. 74, s. 14.

Mode of  
appointing  
arbitrators  
by employers  
and employees.

15. The following may be the method of ascertaining the recommendation of employer and employees as to the persons to be appointed on their recommendation respectively as members of the Council of Arbitration:

Qualification  
of voters in  
the interest  
of employers.

(a) For the person to be recommended by the employer every employer in Ontario shall be entitled to one vote; every organization in Ontario, whether incorporated or unincorporated, representing the inter-



ests of employers, each member of which has at least ten persons in his employment, shall be entitled to one vote;

- (b) Every Board of Trade in Ontario legally constituted Boards of Trade in Ontario. shall be entitled to one vote for a representative of the employer in each Council;
- (c) For the person to be recommended by employees as Who may vote for person to be recommended in the interest of employees. a member of the Council in matters not relating to railway companies, every trades and labour council, every district assembly of the Knights of Labour, every federated council of building trades, every lawfully incorporated trades union, every organization of wage-earners of an industrial calling primarily constituted for, and actually and *bona fide* operated for the regulation of the wages and hours of labour as between employers and employed, shall be entitled to one vote; but this shall not be deemed to include co-operative associations or societies formed under Chapter 202 of the Revised Statutes of Ontario, 1897;
- (d) For choosing the person to be recommended by employees of railway companies as a member of the Council in matters relating to railways, every Who may vote for person to be recommended in the interest of railway employees. organization in Ontario, whether incorporated or unincorporated, exclusively representing the interest of wage-earners employed in respect of railway construction or traffic on railways shall be entitled to one vote; but this shall not be deemed to include co-operative associations or societies;
- (e) The Registrar shall give notice in the *Ontario Gazette* Notice to representative interests. calling on all organizations and persons entitled to vote for a member to be recommended to either Council, or claiming to be so entitled, to communicate with him on or before the 1st day of August, of every second year reckoned from 1910; and such notice shall be inserted for at least four weeks before that day in every such year;
- (f) The Registrar shall forthwith, after such first day of August, prepare a list of the persons and organizations appearing to be entitled to vote for a person to be recommended for appointment to each of the said Councils respectively, and may refer any doubtful claim to the Minister of Public Works for his advice or direction; Lists to be prepared.
- (g) Each list so to be prepared shall give the last known Contents of lists. post office address of every person and organization entitled to vote as employers and employees respectively for the said Councils respectively, and shall be published in the *Ontario Gazette*, and shall be open to inspection at any time by any person



Inspection.

without fee, in the office of the Registrar during office hours;

Voting papers to be transmitted to persons entitled to vote.

(h) Between the 1st and 30th days of September of every second year reckoned from 1910 the Registrar shall transmit by registered post to the address of each person and organization entitled to vote a voting paper, Form 16.

Signing voting papers.

(i) The voting paper of any person entitled to vote under this Act as an employer shall be signed by himself or some person duly authorized in writing in that behalf, and the voting paper of any organization entitled to vote shall be signed by the president or vice-president of the organization, or, in the absence of such president or vice-president, by any office bearer of the organization other than the secretary thereof, and shall be countersigned by the secretary or acting secretary, or, in the absence of such secretary or acting secretary, by any two members not being office bearers; and the voting papers of a Board of Trade shall be under the corporate seal of the Board;

Addressing voting papers.

(j) The voting paper shall be forwarded in a stamped envelope, addressed to the Registrar of Councils of Conciliation and Arbitration, Toronto, and endorsed, "Voting paper under *The Trade Disputes Act*;"

When voting papers to be mailed.

(k) Every voting paper shall be forwarded by mail or otherwise to the Registrar so as to be received by him on or before the 15th day of October of the year in which the voting is to be held, and any voting paper received by the Registrar after the said date shall have no effect or validity;

Voting papers not received in time.

Count of votes and report to be published.

(l) The Registrar shall forthwith, after the said 15th day of October, count the recommendations as well by or on behalf of employees, as by or on behalf of employers for each Council, and shall forward the same to the Minister of Public Works, together with the Registrar's report thereon; and the Minister of Public Works, upon being satisfied of the accuracy of such report, shall publish in the *Ontario Gazette* the result of such recommendations, and the names of the persons appointed by the Lieutenant-Governor upon such recommendations to be members of the Councils of Arbitration; and also the names of, and number of votes given for the five persons who have received the greater number of votes for each Council on behalf of employers and employees respectively;

- (m) In case either employers or employees, or both, fail to recommend any person to represent them on either or both the Councils, as provided for in this section, the Lieutenant-Governor in Council may appoint a person or persons to fill the vacancy or vacancies. 10 Edw. VII. c. 74, s. 15.
- Where parties fail to recommend member of council of arbitration.

#### PROCEDURE FOR ARBITRATION.

**16.—(1)** Any dispute or claim within the meaning of this Act may be referred to the appropriate Council of Arbitration for its hearing and determination in any of the following cases:—

Reference to arbitration, how made, etc.

- (a) On application, Form 9, to the Registrar by either party to a claim or dispute which, having been referred to a Council of Conciliation, has not been settled or adjusted by such Council;
- (b) On application, Form 8, to the Registrar by both parties to a claim or dispute, which has not been so referred to a Council of Conciliation.

Provided that if in either case the award of the Council of Arbitration is not complied with or carried out by the parties, or for any reason proves abortive, the parties to the reference, or either of them, shall not thereby be precluded from referring the dispute to a Council of Conciliation or from making a second reference to the Council of Conciliation where a former reference has already been made to it.

Proviso.

(2) If in case of a claim or dispute, within the meaning of this Act, one party has lodged an application with the Registrar requesting that the dispute or claim be referred to a Council of Conciliation, and appointing two conciliators for the purpose, and notice of the application and of the appointment of conciliators has been duly given to the other party, and such other party has not within a reasonable period appointed conciliators, and the party lodging the application has not proceeded to a strike or lock-out, as the case may be, the Council of Arbitration, if it thinks fit, may proceed as in case of an abortive reference to a Council of Conciliation, and such Council may report their decision as to the proper settlement of the dispute in question and also in case the Council thinks proper, a concise statement as to the origin of the dispute, and the causes inducing the same, and what parties, if any, are in the opinion of the Council mainly responsible for the same.

Where attempt to take conciliation proceedings has failed.

(3) The mayor of any city or town, upon being notified that a strike or lock-out is threatened or has actually occurred within the municipality, shall at once notify the Registrar thereof by writing, stating the name of the employer, the nature of the dispute, and the number of employees involved as far as his information will enable him so to do.

Mayors to notify Registrar of strike or lock-out.

Duty of  
councils of  
arbitration  
on being  
notified of  
strike or  
lock-out.

(4) It shall be the duty of each of the Councils of Arbitration, upon being notified, or on being otherwise made aware, that a strike or a lock-out has occurred or is threatened, to place itself, as soon as practicable, in communication with the parties concerned and to endeavor by mediation to effect an amicable settlement, and if in the judgment of the Council it is deemed best to enquire into the cause or causes of the controversy it shall proceed as in the case of a reference. 10 Edw. VII. c. 74, s. 16.

Provisions as  
to parties and  
representa-  
tives.

**17.** In every case referred to a Council of Arbitration, or in which the Council has determined to act under the preceding section of this Act, the Council shall have power to require either or each party to the claim or dispute to name not more than three persons, who, upon their consent in writing, Form 14, shall for all purposes of the reference be taken to represent such party. 10 Edw. VII. c. 74, s. 17.

Conduct of  
proceedings of  
council of  
arbitration.

**18.—(1)** The Council shall sit and conduct its proceedings as in open court, and in making its decision shall be governed by the principles of equity and good conscience.

Powers of  
President.

(2) The President shall, for the purpose of preserving order during any sitting of the Council, have all the powers of a Judge of the Supreme Court, except the power of committing for contempt. 10 Edw. VII. c. 74, s. 18.

Quorum of  
council of  
arbitration.

**19.** Any two members of the Council of Arbitration shall constitute a quorum for the transaction of business, and may hold meetings at any time and at any place within Ontario. 10 Edw. VII. c. 74, s. 19.

Investigation  
of disputes by  
one member  
of board.

**20.** The Council of Arbitration may order that an examination or investigation shall be held before any one member of the Council, but such member shall report upon such examination or investigation to the Council, and the decision of such member shall not be considered binding until approved by the Council or a majority thereof. 10 Edw. VII. c. 74, s. 20.

Award, how  
to be made.

**21.—(1)** The report or award, Form 11, of the Council of Arbitration shall be made within one month after the Council has completed its sittings for the hearing of the reference, and shall be by and under the hands of a majority of the members of the Council.

Publication  
in Gazette.

(2) At the request of either party, and if the Council approves, a copy of the report or award shall be published by the Registrar in *The Ontario Gazette*.

Deposit with  
Registrar.

(3) The report or award, or a copy certified under the hand of the President of the Council, shall be deposited in the office of the Registrar and shall be open to inspection without charge during office hours. 10 Edw. VII. c. 74, s. 21.

Inspection.



**22.**—(1) Either party to a reference to either Council of Arbitration, at any time before award made, may by writing under the hands of such party, Form 12, agree to be bound by the award of the Council upon the reference in the same manner as parties are bound upon an award made pursuant to an ordinary submission in writing to arbitration under *The Arbitration Act*.

Agreement to be bound by award.  
Rev. Stat. c. 65.

(2) Every such agreement made by one party shall be communicated by the Registrar to the other party, and if such other party also agrees in like manner to be bound then the award may, on the application of either party, be enforced in the same manner as an award on an ordinary submission in writing to arbitration may be enforced under the said Act. 10 Edw. VII. c. 74, s. 22.

Award may be enforced by legal proceedings if so agreed.

#### MISCELLANEOUS PROVISIONS.

**23.** The Councils of Conciliation and Arbitration shall have power—

Powers of councils.

(a) to visit the locality where the trade dispute has arisen and to hear all persons interested who may come before them;

To visit locality.

(b) to summon, Form 15, any person to attend as a witness before the Council, and in the case of any person so summoned refusing to attend after payment or tender of his proper fees application may be made in a summary way to a Justice of the Peace having jurisdiction in the city, town or county wherein the council may be sitting for an order compelling such attendance; and such Justice of the Peace may make such order as might be made in any case wherein such Justice has power to compel appearance before him in pursuance of *The Ontario Summary Convictions Act*, and

Enforcing attendance of witnesses.  
Rev. Stat. c. 90.

(c) to administer an oath to any person attending as a witness before the Council and to examine any such person on oath or affirmation. 10 Edw. VII. c. 74, s. 23.

Taking evidence on oath.

**24.** No party to any proceeding either before a Council of Conciliation or a Council of Arbitration shall be represented by counsel or solicitor or by any paid agent other than one or more of the persons between whom the claim or dispute has arisen. 10 Edw. VII. c. 74, s. 24.

Professional assistance not permitted.

**25.** No fees shall be paid to the Registrar by any party in respect of any proceeding under this Act. 10 Edw. VII. c. 74, s. 25.

Registrar not to receive fees.

Remuneration  
of members  
of council of  
conciliation.

26. Every member of a Council of Conciliation, while engaged in adjustment of any dispute, shall be remunerated for his services as follows:—

Preliminary meetings .....	\$3
Wholeday sittings .....	\$4
Half-day sittings .....	\$2

out of any funds which may be appropriated by this Legislature for that purpose. 10 Edw. VII. c. 74, s. 26.

Witnesses'  
fees.

27. Witnesses shall be entitled to the same fees as in a Division Court. 10 Edw. VII. c. 74, s. 27.

Regulations.

28.—(1) The Lieutenant-Governor may make regulations for the purpose of giving effect to any of the provisions or requirements of this Act, and all such regulations not being inconsistent with this Act shall have the full effect of law on publication in the *Ontario Gazette*.

To be laid  
before  
Assembly.

(2) Such regulations shall be laid before the Assembly within fourteen days after being published in the *Ontario Gazette* if the Legislature is in session, and if it is not in session then within the first fifteen days of the ensuing session. 10 Edw. VII. c. 74, s. 28.

Informalities  
not to invali-  
date proceed-  
ings.

29. No proceeding under this Act shall be deemed invalid by reason of any defect of form, or any technical irregularity. 10 Edw. VII. c. 74, s. 29.

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### FORM 1.

(Section 14.)

#### RECOMMENDATION AS TO PRESIDENT OF THE COUNCIL OF ARBITRATION.

We, the undersigned arbitrators, appointed under the provisions of *The Trade Disputes Act*, submit the name of \_\_\_\_\_ of \_\_\_\_\_ as that of an impartial person qualified for the position of President of the Council of Arbitration as respects railway disputes (or as respects disputes other than railway disputes).

Dated this \_\_\_\_\_

day of \_\_\_\_\_

10 Edw. VII. c. 74, Form 1.

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## FORM 2.

(Section 6.)

### AGREEMENT OF BOTH PARTIES TO REFER TO CONCILIATION.

(To be prepared in duplicate.)

Memorandum of agreement made this \_\_\_\_\_ day of \_\_\_\_\_, between \_\_\_\_\_, employers, and \_\_\_\_\_ employees.

Whereas a claim or dispute in respect of matters hereinafter stated has arisen between the parties hereto, they do hereby refer the said claim or dispute for settlement to a council of conciliation, and we, the undersigned, as managers for the said employers, do hereby name and declare \_\_\_\_\_ and \_\_\_\_\_

and we, the undersigned, as managers for the employees, do hereby name \_\_\_\_\_ and \_\_\_\_\_ to be conciliators for such employers; and the conciliators for such employees upon such council as aforesaid.

The claim or dispute is as follows (here state the matter or matters in dispute).

Now, we, the parties hereto, do hereby request the Registrar to have the said claim or dispute referred to a council of conciliation consisting of the aforesaid persons.

(To be signed by the)

## Managers for the Employers.

## Managers for the Employees.

Witness:

(Appointment of Managers to be attached.)

See Form 4.

10 Edw. VII. c. 74, Form 2.

## FORM 3.

(Section 6.)

### APPLICATION BY ONE PARTY TO REFER TO CONCILIATION.

(Date.)

Whereas a claim or dispute has arisen between employers and employees; we, the undersigned managers for and on behalf of the aforesaid, apply to have the said claim or dispute referred to a council of conciliation, and hereby name and declare of and of to be our conciliators upon such council as aforesaid.

The dispute or claim is as follows (here state the matter or matters in dispute.)

## Managers for

(Appointment of Managers to be attached.)

See Form 4.

10 Edw. VII. c. 74, Form 3.



## FORM 4.

(Section 9.)

## AUTHORITY TO MANAGERS TO ACT.

We, the undersigned employers (or employees), one of the parties to the claim or dispute between                      and                      authorize                      of                      of                      and                      of                      to represent us, as managers before the council of conciliation, and we hereby agree to be bound by the acts of these our representatives.

Dated this                      day of                      , 19                     

*(Where the appointment is made by employees it should be signed by not fewer than ten of such employees.)*

Witness:

10 Edw. VII. c. 74, Form 4.

## FORM 5.

(Section 12.)

## CONVENING A MEETING OF CONCILIATORS.

(Date.)

I beg to inform you that you have been selected as a conciliator to deal with a certain dispute or claim between                      employees and                      , employees.

You are requested to attend a meeting of the conciliators in the above matter, to be held on the                      day of                      at                      , in the                      , when the application in the said matter will be laid before you.

I have the honor to be  
Your obedient servant,  
A.B., Registrar

10 Edw. VII. c. 74, Form 5.

## FORM 6.

(Section 13.)

## TERMS OF SETTLEMENT OF ADJUSTMENT AFTER REFERENCE TO COUNCIL OF CONCILIATION.

Memorandum of settlement made this \_\_\_\_\_ day of \_\_\_\_\_, between \_\_\_\_\_, employees, \_\_\_\_\_, employers, and \_\_\_\_\_ employees.

Whereas a claim or dispute having arisen between \_\_\_\_\_ employers and \_\_\_\_\_, employees, \_\_\_\_\_ were appointed conciliators, and the undersigned, \_\_\_\_\_, were appointed

managers for the said \_\_\_\_\_, and the undersigned, \_\_\_\_\_ were appointed managers for the said \_\_\_\_\_, it is hereby declared that a settlement or adjustment of the said claim or dispute has been arrived at in the following terms, to which terms the said managers hereby agree for and on behalf of the said parties respectively:

(Set forth terms of settlement.)

In witness whereof we, the undersigned, have hereunto set our hands.

A.B., C.D., Managers for Employers.

E.F., G.H., Managers for Employees.

I., J., K., Conciliators.

10 Edw. VII. c. 74, Form 6.

## FORM 7.

(Section 13.)

## REPORT BY CONCILIATORS OF FAILURE TO SETTLE.

(Date.)

To the Registrar.

Whereas a certain claim or dispute was referred to us for conciliation by \_\_\_\_\_, employers and \_\_\_\_\_ employees, and such conciliation was duly entered upon, the parties aforesaid being duly represented by their respective managers and evidence was taken (*omit the latter words if such was not the case*), and the claim or dispute referred to us was fully discussed, but no settlement or adjustment was arrived at. Now, we, the conciliators hereinafter subscribed, report that we have been unable to bring about any settlement or adjustment of the claim or dispute so referred, satisfactory to the parties thereto.

A. B., C. D., Conciliators.

10 Edw. VII. c. 74, Form 7.

## FORM 8.

(Sections 13, 16.)

JOINT APPLICATION TO REFER TO THE COUNCIL OF ARBITRATION.

(Date.)

To the Registrar under *The Trade Disputes Act*.

Whereas a claim or dispute in respect of matters hereinafter stated has arisen between \_\_\_\_\_, employer, and \_\_\_\_\_, employees.

We, the undersigned, \_\_\_\_\_ managers for the said employers, and we, the undersigned, \_\_\_\_\_, managers for the said employees, duly appointed to represent the interests of the said parties respectively, hereby apply to have the said claim or dispute referred to the council of arbitration.

The claim or dispute is as follows:

(Here state the matter in dispute.)

Managers for Employers.

Managers for Employees.

(Appointment of Managers to be attached.)

See Form 4.

10 Edw. VII. c. 74, Form 8.

## FORM 9.

(Sections 13, 16.)

APPLICATION BY ONE PARTY TO REFER TO THE COUNCIL OF ARBITRATION AFTER FAILURE OF COUNCIL OF CONCILIATION.

(Date.)

To the Registrar under *The Trade Disputes Act*.

Whereas a claim or dispute having arisen between \_\_\_\_\_, employers, and \_\_\_\_\_, employees, was referred to a council of conciliation, and the said council failed to settle or adjust the same; now, therefore, we, the undersigned, being the managers duly appointed to represent \_\_\_\_\_, one of the parties to the said reference, do hereby require you to refer the said claim or dispute to the council of arbitration.

Managers.

10 Edw. VII. c. 74, Form 9.



## FORM 10.

(Section 13.)

REFERENCE TO COUNCIL OF ARBITRATION AFTER FAILURE OF COUNCIL  
OF CONCILIATION.

(Date.)

To the President of the Council of Arbitration as respects railway  
disputes (*or as respects disputes other than railway disputes*).

Whereas a certain claim or dispute having arisen between  
and , the same was referred for conciliation to ,  
and they have reported that they have been unable to bring about  
any settlement or adjustment of the said claim or dispute satisfac-  
tory to the parties thereto, and whereas , one of the  
parties to the claim or dispute requires such claim or dispute to be  
referred to the council of arbitration. Now, therefore, I do so  
refer the said claim or dispute to the said council, and herewith  
transmit all the papers in the said reference to you as president of  
the said council.

Registrar.

10 Edw. VII. c. 74, Form 10.

## FORM 11.

(Section 21.)

## AWARD.

We, , President, and , Arbitrators as respects  
railway disputes (*or as respects disputes other than railway dis-  
putes*) (*or a majority of the council of arbitration*), in the claim or  
dispute between , employers, and  
employees, do hereby award that  
(*here set forth the award*).

Given under our hands this                      day of                      , A.D. 19

(President.)

(Arbitrators.)

Witness:

(Registrar.)

10 Edw. VII. c. 74, Form 11.

## FORM 12.

(Section 22.)

## AGREEMENT TO BE BOUND BY AWARD.

Memorandum of Agreement made this \_\_\_\_\_ day of \_\_\_\_\_  
 , 19\_\_\_\_, between \_\_\_\_\_ and \_\_\_\_\_

Whereas certain claims or disputes (*here state shortly the nature of the claim or dispute*) have arisen between the parties hereto, and it is desirable to refer the same to the council of arbitration as respects railway disputes (*or as respects disputes other than railway disputes*) and for the said parties to be bound by the award of the said council of arbitration in the same manner as parties are bound upon an award made pursuant to an ordinary submission in writing to arbitration under *The Arbitration Act*.

Now it is hereby agreed by and between the parties aforesaid to refer the said claims or disputes to the award of the said council of arbitration, and each of the said parties agrees with the other to be bound by the award of the said council in the same manner as parties are bound upon an award made pursuant to an ordinary submission in writing to arbitration under *The Arbitration Act*.

In witness whereof we, the managers duly appointed and authorized to represent the parties hereto, have hereunto set our hands the day and year above written.

Witness:

Managers for Employers.

Managers for Employees.

10 Edw. VII. c. 74, Form 12.

## FORM 13.

(Section 14.)

## CONSENT OF PARTIES TO CONCILIATORS BEING ASSESSORS IN COUNCIL OF ARBITRATION.

(Date.)

We, the managers appointed to represent the parties in the matter of the claim or dispute between \_\_\_\_\_, employers, and \_\_\_\_\_ employees, hereby consent to \_\_\_\_\_ members of the council of conciliation to which the matter aforesaid was referred, sitting as assessors upon the reference to the council of arbitration.

Managers for Employers.

Managers for Employees.

10 Edw. VII. c. 74, Form 13.

## FORM 14.

(Section 17.)

## CONSENT OF MANAGERS TO ACT BEFORE THE COUNCIL OF ARBITRATION.

(Date.)

To the Registrar.

Whereas the council of arbitration has required one of the parties to a claim or dispute between and referred to the said Council for award, to name not more than three persons, who, upon their consent in writing, shall for all purposes of the above reference be taken to represent such persons, now we, the undersigned, having been duly named as such persons, do hereby consent to represent the said party for all the purposes of the hereinafore mentioned reference, and in witness of such consent hereunto set our hands.

(Signed)

Witness:

10 Edw. VII. c. 74, Form 14.

## FORM 15.

(Section 23.)

## SUMMONS TO WITNESSES BEFORE EITHER COUNCIL.

To

Whereas a council of conciliation (or the council of arbitration as respects railway disputes) (or as respects disputes other than railway disputes) constituted under *The Trade Disputes Act* has now before it for conciliation (or arbitration, as the case may be), a claim or dispute between employers,

and , employees; and whereas the said council desire that you should attend before the said witness to give evidence, and have authorized and required me as registrar, to issue this summons for your attendance. I do hereby, in exercise of the powers in this behalf given by the said Act, summon and require you to attend at

, on , the day of , at the hour of , in the noon of the said day, at before the said council, there to be examined and give evidence as to and concerning the said claim or dispute, and so to attend from day to day thereafter until you have been duly discharged by the said council from further attendance.

[And I further require you to bring with you and produce at the time and place aforesaid (documents, etc., if any, required to be produced by witness).]

In default of your attending at the time and place aforesaid, you are liable to be proceeded against under the provisions of *The Trade Disputes Act*.

In witness whereof, I, the said , as such Registrar as aforesaid, have hereunto set my hand this day of , 19 .  
A.B.,

Registrar.

NOTE.—The witness is entitled to the same witness fees as in a Division Court.

10 Edw. VII. c. 74, Form 15.



## FORM 16.

*(Section 15.)*VOTING PAPER OF *(naming the person or organization)*.

A.B. *(person recommended)* is hereby recommended to be appointed a member of the council of arbitration for disputes between railway companies and their employees (or in matters not relating to railway disputes) under *The Trade Disputes Act*, on behalf of the employer *(or employees, as the case may be)*.

(Signed.)

10 Edw. VII. c. 74, Form 16.